

1993

By Henderson

S.B. No. 642

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of air conditioning contractors;
providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. SHORT TITLE. This Act may be cited as the "Air
Conditioning Contractor License Law."

SECTION 2. DEFINITIONS. In this Act:

(1) "Environmental air conditioning" means the process of
treating indoor air to continuously control its temperature,
humidity, cleanliness, and circulation to meet human comfort
requirements.

(2) "Air conditioning contractor" means a person licensed
under this Act who maintains a regular place of business at one or
more locations in this state and who designs, installs, constructs,
maintains, services, repairs, alters, or modifies any heating,
ventilating, or air conditioning product, system, or equipment.

(3) "Air conditioning contracting" means the business of
designing, installing, constructing, maintaining, servicing,
repairing, altering, or modifying any heating, ventilating, or air
conditioning product, system, or equipment. The term does not
include the design, installation, construction, maintenance,
service, repair, alteration, or modification of a portable or
self-contained ductless air conditioning or heating product that
has a cooling capacity of three tons or less, or a heating capacity

1 of 36,000 British thermal units or less.

2 (4) "Commissioner" means the commissioner of the Texas
3 Department of Labor and Standards.

4 (5) "Person" means an individual.

5 SECTION 3. POWERS AND DUTIES OF COMMISSIONER. (a) The
6 commissioner shall adopt rules for the practice of air conditioning
7 contracting consistent with this Act not later than the 90th day
8 after the effective date of this Act. The standards prescribed by
9 rule must be at least as strict as the standards set forth in the
10 Uniform Mechanical Code published jointly by the International
11 Conference of Building Officials and the International Association
12 of Plumbing and Mechanical Officials, as that code exists at the
13 time the rules are adopted.

14 (b) The commissioner shall prescribe application forms for
15 original and renewal licenses and the design of the licenses.

16 (c) The commissioner shall prescribe the method and content
17 of examinations administered under this Act and shall set
18 compliance requirements for the examinations.

19 (d) The commissioner shall set insurance requirements for
20 persons licensed under this Act.

21 (e) The commissioner may employ the personnel necessary to
22 implement this Act. The commissioner shall employ at least two
23 full-time air conditioning professionals to serve as air
24 conditioning examiners.

25 (f) The commissioner may authorize necessary disbursements
26 to implement this Act, including office expenses, costs of
27 equipment, and other necessary facilities.

1 (g) The commissioner shall set fees for original and renewal
2 licenses issued under this Act. The commissioner shall set a fee
3 for the licensing examinations. The fees shall be set in amounts
4 that are reasonable and necessary to defray the costs of the
5 administration of this Act.

6 (h) The commissioner shall maintain a record of his
7 proceedings under this Act.

8 SECTION 4. AIR CONDITIONING CONTRACTOR LICENSE. (a) Air
9 conditioning contractor licenses are of two classes. A Class A
10 license entitles the licensee to install, repair, or alter summer
11 or winter environmental air conditioning systems of any size or
12 capacity. A Class B license entitles the licensee to install,
13 repair, or alter an environmental air conditioning system that
14 develops a total of not more than 25 tons cooling capacity and not
15 more than 1,500,000 British thermal units per hour output heating
16 capacity. The commissioner shall prescribe an appropriate
17 examination for each class of license.

18 (b) An applicant for an air conditioning contractor license
19 must be at least 18 years old and have at least three years of
20 practical experience in air conditioning work. For purposes of the
21 experience requirement, a degree or diploma in air conditioning
22 engineering or mechanical engineering from an institution of higher
23 education whose program is approved by the State Board of
24 Registration for Professional Engineers for the purpose of
25 licensing professional engineers is considered the equivalent of
26 two years of practical experience.

27 (c) The application must be made on a form prescribed by the

1 commissioner and must specify the class of license the applicant
2 seeks. The application must be verified and must be accompanied
3 by:

4 (1) three recommendations from competent people in the
5 regulated industry;

6 (2) evidence of the insurance coverage required under this
7 Act;

8 (3) a statement of the applicant's practical experience; and

9 (4) the examination fee.

10 (d) The commissioner shall issue the air conditioning
11 contractor license to an applicant who possesses the required
12 qualifications, passes the appropriate licensing examination, and
13 pays the examination fee and the original license fee required by
14 this Act.

15 (e) A license issued under this Act expires three years
16 after the date it was issued. To renew a license, the licensee
17 must submit to the commissioner before the expiration date a
18 renewal application, on a form prescribed by the commissioner,
19 accompanied by the renewal fee. The commissioner shall notify the
20 licensee of the expiration date of the license and the amount of
21 the renewal fee. The notice shall be mailed not later than the
22 30th day before the expiration date.

23 SECTION 5. DENIAL, SUSPENSION, OR REVOCATION OF LICENSE.

24 (a) A violation of this Act or a rule adopted under this Act is a
25 ground for the denial, suspension, or revocation of a license
26 issued under this Act.

27 (b) Proceedings for the denial, suspension, or revocation of

1 a license and appeals from those proceedings are governed by the
2 Administrative Procedure and Texas Register Act (Article 6252-13a,
3 Vernon's Texas Civil Statutes).

4 SECTION 6. EXEMPTIONS. (a) This Act does not apply to a
5 person who:

6 (1) performs air conditioning work in a building owned
7 solely by him as his home;

8 (2) performs air conditioning maintenance work if the person
9 is regularly employed as a maintenance man or maintenance engineer
10 or is licensed as a professional engineer under The Texas
11 Engineering Practice Act (Article 3271a, Vernon's Texas Civil
12 Statutes), the work is performed in connection with the business in
13 which the person is employed, and the person does not engage in the
14 occupation of air conditioning contracting for the general public;
15 or

16 (3) performs air conditioning contracting and is regularly
17 employed by an electric or gas utility that is regulated under the
18 Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil
19 Statutes).

20 (b) The work described by Subsection (a) of this section
21 remains subject to any permit, inspection, or approval requirements
22 prescribed by a municipal ordinance.

23 (c) A person licensed under this Act may not perform, or
24 offer or attempt to perform, any act, service, or function that is
25 defined as the practice of engineering by The Texas Engineering
26 Practice Act (Article 3271a, Vernon's Texas Civil Statutes). This
27 Act does not apply to a person licensed in this state as a

1 professional engineer and engaged in business as a professional
2 engineer.

3 SECTION 7. REPORTING REQUIREMENT. Each person licensed
4 under this Act shall notify the municipal authority who has control
5 of the enforcement of regulations relative to air conditioning
6 contracting in the municipality in which the person is engaged in
7 air conditioning contracting that the person has obtained a state
8 license. The notification must contain the name and address of the
9 licensee.

10 SECTION 8. PENALTY. Except as provided by Section 9(b) of
11 this Act, a person commits an offense if the person knowingly or
12 intentionally engages in the business of air conditioning
13 contracting without a license issued under this Act. An offense
14 under this section is a Class C misdemeanor.

15 SECTION 9. MUNICIPAL REGULATION; TRANSITION. (a) A license
16 issued under this Act is valid throughout the state, and the holder
17 is not required to hold a municipal license to practice in a
18 municipality. A license issued by a municipality of this state is
19 valid under the terms of the license within that municipality.

20 (b) Not later than January 1, 1986, a person who holds a
21 municipal license must obtain an appropriate state license under
22 this Act to continue in the business of air conditioning
23 contracting. From January 1, 1984, through December 31, 1985, a
24 person who holds a municipal license but does not hold a license
25 issued under this Act may continue in the business of air
26 conditioning contracting within the municipality if the person
27 complies with the municipal licensing requirements, including

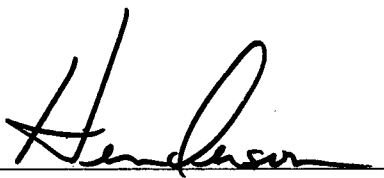
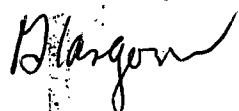
1 requirements for the renewal of the license.

2 SECTION 10. EFFECTIVE DATE FOR LICENSE REQUIREMENT. A
3 person is not required to be licensed under this Act to engage in
4 the business of air conditioning contracting until January 1, 1984.

5 SECTION 11. EFFECTIVE DATE. This Act takes effect September
6 1, 1983.

7 SECTION 12. EMERGENCY. The importance of this legislation
8 and the crowded condition of the calendars in both houses create an
9 emergency and an imperative public necessity that the
10 constitutional rule requiring bills to be read on three several
11 days in each house be suspended, and this rule is hereby suspended.

By

S.B. No. 642

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under this Act who maintains a regular place of business at one or
more locations in this state and who designs, installs, constructs,
maintains, services, repairs, alters, or modifies any heating,
ventilating, or air conditioning product, system, or equipment.

(3) "Air conditioning contracting" means the business of
designing, installing, constructing, maintaining, servicing,
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self-contained ductless air conditioning or heating product that
has a cooling capacity of three tons or less, or a heating capacity

1 By: Henderson, Glasgow S.B. No. 642
2 (In the Senate - Filed March 1, 1983; March 2, 1983, read
3 first time and referred to Committee on Economic Development;
4 March 22, 1983, reported adversely, with favorable Committee
5 Substitute; March 22, 1983, sent to printer.)

6 COMMITTEE SUBSTITUTE FOR S.B. No. 642

By: Henderson

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26 conditioning product, system, or equipment. The term does not
27 include the design, installation, construction, maintenance,
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29 self-contained ductless air conditioning or heating product that
30 has a cooling capacity of three tons or less or a heating capacity
31 of 36,000 British thermal units or less.

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33 Department of Labor and Standards.

34 (5) "Person" means an individual.

35 SECTION 3. POWERS AND DUTIES OF COMMISSIONER. (a) The
36 commissioner shall adopt rules for the practice of air conditioning
37 contracting consistent with this Act not later than the 90th day
38 after the effective date of this Act. The standards prescribed by
39 rule must be at least as strict as the standards set forth in the
40 Uniform Mechanical Code published jointly by the International
41 Conference of Building Officials and the International Association
42 of Plumbing and Mechanical Officials, as that code exists at the
43 time the rules are adopted.

44 (b) The commissioner shall prescribe application forms for
45 original and renewal licenses and the design of the licenses.

46 (c) The commissioner shall prescribe the method and content
47 of examinations administered under this Act and shall set
48 compliance requirements for the examinations. The commissioner
49 shall offer each examination on a monthly basis.

50 (d) The commissioner shall set insurance requirements for
51 persons licensed under this Act. The commissioner may waive the
52 insurance requirements for licensees who do not contract with the
53 general public.

54 (e) The commissioner may employ the personnel necessary to
55 implement this Act. The commissioner shall employ at least two
56 full-time air conditioning professionals to serve as air
57 conditioning examiners.

58 (f) The commissioner may authorize necessary disbursements
59 to implement this Act, including office expenses, costs of
60 equipment, and other necessary facilities.

61 (g) The commissioner shall set fees for original and renewal
62 licenses issued under this Act. The commissioner shall set a fee
63 for the licensing examinations. The fees shall be set in amounts
64 that are reasonable and necessary to defray the costs of the
65 administration of this Act.

66 (h) The commissioner shall maintain a record of his
67 proceedings under this Act.

68 SECTION 4. AIR CONDITIONING CONTRACTOR LICENSE. (a) Air

conditioning contractor licenses are of two classes. A Class A license entitles the licensee to install, repair, or alter summer or winter environmental air conditioning systems of any size or capacity. A Class B license entitles the licensee to install, repair, or alter an environmental air conditioning system that develops a total of not more than 25 tons cooling capacity and not more than 1,500,000 British thermal units per hour output heating capacity. The commissioner shall prescribe an appropriate examination for each class of license.

(b) An applicant for an air conditioning contractor license must be at least 18 years old.

(c) The application must be made on a form prescribed by the commissioner and must specify the class of license the applicant seeks. The application must be verified and must be accompanied by:

(1) three recommendations from competent people in the regulated industry;

(2) evidence of the insurance coverage required under this Act;

(3) a statement of the applicant's practical experience; and

(4) the examination fee.

(d) The commissioner shall issue the air conditioning contractor license to an applicant who possesses the required qualifications, passes the appropriate licensing examination, and pays the examination fee and the original license fee required by this Act. An applicant who fails the examination is eligible for reexamination.

(e) A license issued under this Act expires three years after the date it was issued. To renew a license, the licensee must submit to the commissioner before the expiration date a renewal application, on a form prescribed by the commissioner, accompanied by the renewal fee. The commissioner shall notify the licensee of the expiration date of the license and the amount of the renewal fee. The notice shall be mailed not later than the 30th day before the expiration date.

SECTION 5. DENIAL, SUSPENSION, OR REVOCATION OF LICENSE.

(a) A violation of this Act or a rule adopted under this Act is a ground for the denial, suspension, or revocation of a license issued under this Act.

(b) Proceedings for the denial, suspension, or revocation of a license and appeals from those proceedings are governed by the Administrative Procedure and Texas Register Act as amended (Article 6252-13a, Vernon's Texas Civil Statutes).

SECTION 6. EXEMPTIONS. (a) This Act does not apply to a person who:

(1) performs air conditioning work in a building owned solely by him as his home;

(2) performs air conditioning maintenance work if the person is regularly employed as a maintenance man or maintenance engineer or is licensed as a professional engineer under The Texas Engineering Practice Act (Article 3271a, Vernon's Texas Civil Statutes), the work is performed in connection with the business in which the person is employed, and the person does not engage in the occupation of air conditioning contracting for the general public; or

(3) performs air conditioning contracting and is regularly employed by an electric or gas utility that is regulated under the Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes).

(b) The work described by Subsection (a) of this section remains subject to any permit, inspection, or approval requirements prescribed by a municipal ordinance.

(c) A person licensed under this Act may not perform or offer or attempt to perform any act, service, or function that is defined as the practice of engineering by The Texas Engineering Practice Act (Article 3271a, Vernon's Texas Civil Statutes). This Act does not apply to a person licensed in this state as a professional engineer and engaged in business as a professional engineer.

(d) This Act does not apply to a person who is regulated

1 under Chapter 113, Natural Resources Code.

2 SECTION 7. REPORTING REQUIREMENT. Each person licensed
3 under this Act shall notify the municipal authority who has control
4 of the enforcement of regulations relative to air conditioning
5 contracting in the municipality in which the person is engaged in
6 air conditioning contracting that the person has obtained a state
7 license. The notification must contain the name and address of the
8 licensee.

9 SECTION 8. PENALTY. A person commits an offense if the
10 person knowingly or intentionally engages in air conditioning
11 contracting without a license issued under this Act. An offense
12 under this section is a Class C misdemeanor.

13 SECTION 9. MUNICIPAL REGULATION. A license issued under
14 this Act is valid throughout the state, and the holder is not
15 required to hold a municipal license to practice air conditioning
16 contracting in a municipality. A license issued by a municipality
17 of this state is valid under the terms of the license within that
18 municipality.

19 SECTION 10. EFFECTIVE DATE FOR LICENSE REQUIREMENT. A
20 person is not required to be licensed under this Act to engage in
21 the business of air conditioning contracting until January 1, 1986.

22 SECTION 11. EFFECTIVE DATE. This Act takes effect September
23 1, 1983.

24 SECTION 12. EMERGENCY. The importance of this legislation
25 and the crowded condition of the calendars in both houses create an
26 emergency and an imperative public necessity that the
27 constitutional rule requiring bills to be read on three several
28 days in each house be suspended, and this rule is hereby suspended.

29 * * * * *

30 Austin, Texas
31 March 22, 1983

32 Hon. William P. Hobby
33 President of the Senate

34 Sir:

35 We, your Committee on Economic Development to which was referred
36 S.B. No. 642, have had the same under consideration, and I am
37 instructed to report it back to the Senate with the recommendation
38 that it do not pass, but that the Committee Substitute adopted in
39 lieu thereof do pass and be printed.

40 Harris, Chairman

BILL ANALYSIS

C.S.S.B. 642

By: Henderson

Purpose: To provide new state regulation and licensing of air conditioning contractors.

Section Analysis:

Section 1. Short Title.

Section 2. Definitions.

Section 3. Powers and Duties of Commissioner.

(a) - Authorizes the commissioner to adopt rules for the practice of air conditioning contracting within 90 days after the effective date.

(b) - Authorizes the commissioner to prescribe application forms for licenses.

(c) - Authorizes the commissioner to prescribe the method and content of exams, and requires them to be offered on a monthly basis.

(d) - Authorizes the commissioner to set insurance requirements for licenses.

(e) - Authorizes the commissioner to employ personnel to implement the act, including at least two full-time air conditioning professionals to serve as examiners.

(f) - Authorizes the commissioner to make necessary disbursements to implement the act.

(g) - Authorizes the commissioner to set fees for licenses.

(h) - Requires the commissioner to maintain records.

Section 4. Air Conditioning Contractor License.

(a) - Provides for two classes of air conditioning contractor licenses.

A Class A license entitles the licensee to install, repair, or alter air conditioning system of any size, while a Class B license restricts the licensee to working on systems which develop not more than 25 tons of cooling capacity and not more than 1,500,000 BTUs of heating capacity.

(b) - A licensee must be at least 18 years old.

(c) - Requires the application to be made on a form prescribed by the commissioner and to specify the class of license being applied for. Additional requirements are also specified, including recommendations and evidence of insurance coverage.

(d) - Provides that a license is to be issued to a qualified applicant who passes the exam and pays the license fee.

(e) - Provides for three-year licenses, and for renewal.

Section 5. Denial, Suspension, or Revocation of License. Specifies that violations of the act are grounds for license action, and for proceedings and appeal under the Administrative Procedure and Texas Register Act.

Section 6. Exemptions.

(a) - The act exempts those who work on their own residential air conditioning system, those who are employed as maintenance men, or maintenance engineers, or are licensed as professional engineers, if the work is performed as part of their occupational duties, and those who are employed by an electric or gas utility.

(b) - Provides that work exemptions in Subsection (a) are subject to municipal ordinances.

(c) - Licensees may not perform any act or service which is defined as the practice of engineering by the Texas Engineering Practice Act. The act does not apply to licensed professional engineers.

(d) - The act does not apply to those regulated under Chapter 113, Natural Resources Code (liquefied petroleum gas industry).

Section 7. Reporting Requirement. Licensees are required to notify the appropriate municipal authority that they have obtained a state license.

Section 8. Penalty. An offense is a Class C misdemeanor.

Section 9. Municipal Regulation. A license issued under this act is valid throughout the state, and no municipal license is required. A municipal license is valid only in that municipality.

Section 10. Effective Date for License Requirement. January 1, 1986.

Section 11. Effective Date. September 1, 1983.

Section 12. Emergency Clause.

Rulemaking Authority: It is the committee's opinion that the rulemaking authority granted to the commissioner of the Texas Department of Labor and Standards is in accord with a prior grant of rulemaking authority in Article 5145 of Title 83 -- Labor, Vernon's Texas Civil Statutes.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 14, 1983

Honorable O. H. "Ike" Harris, Chairman
Committee on Economic Development
Senate Chamber
Austin, Texas

In Re: Senate Bill No. 642
By: Henderson

Sir:

In response to your request for a Fiscal Note on Senate Bill No. 642 (relating to the regulation of air conditioning contractors; providing a penalty) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The probable cost and revenue gain from implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost Out of the General Revenue Fund</u>	<u>Probable Revenue Gain to the General Revenue Fund</u>	<u>Change in Number of State Employees from FY 1983</u>
1984	\$221,453	\$332,500	+ 6
1985	211,453	270,750	+ 6
1986	206,453	30,575	+ 6
1987	206,453	418,625	+ 6
1988	96,225	96,225	+ 6

Similar annual costs and revenue gains would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.


Jim Oliver
Director

Source: Department of Labor and Standards;
LBB Staff: JO, JH, KH, LV

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By Henderson

S.B. No. 642

Substitute the following for S.B. No. 642:

By Henderson

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3/22/83
3/30/83

1 (4) "Commissioner" means the commissioner of the Texas
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15 (c) The commissioner shall prescribe the method and content
16 of examinations administered under this Act and shall set
17 compliance requirements for the examinations. The ^{Insert HA #2550} commissioner

18 ~~shall offer each examination on a monthly basis.~~

19 (d) The commissioner shall set insurance requirements for
20 persons licensed under this Act. The commissioner may waive the
21 insurance requirements for licensees who do not contract with the
22 general public.

23 (e) The commissioner may employ the personnel necessary to
24 implement this Act. The commissioner shall employ at least two
25 full-time air conditioning professionals to serve as air
26 conditioning examiners. / 2/3

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2 equipment, and other necessary facilities.

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20 (b) An applicant for an air conditioning contractor license
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22 (c) The application must be made on a form prescribed by the
23 commissioner and must specify the class of license the applicant
24 seeks. The application must be verified and must be accompanied
25 by:

26 (1) three recommendations from competent people in the
27 regulated industry;

1 (2) evidence of the insurance coverage required under this
2 Act;

3 (3) a statement of the applicant's practical experience; and

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12 after the date it was issued. To renew a license, the licensee
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26 Vernon's Texas Civil Statutes).

27 SECTION 6. EXEMPTIONS. (a) This Act does not apply to a

1 person who:

2 (1) performs air conditioning work in a building owned
3 solely by him as his home;

4 (2) performs air conditioning maintenance work if the person
5 is regularly employed as a maintenance man or maintenance engineer
6 or is licensed as a professional engineer under The Texas
7 Engineering Practice Act, ^{as amended} (Article 3271a, Vernon's Texas Civil
8 Statutes), the work is performed in connection with the business in
9 which the person is employed, and the person does not engage in the
10 occupation of air conditioning contracting for the general public;

House AM
(2)(4)

12 (3) performs air conditioning contracting and is regularly
13 employed by an electric or gas utility that is regulated under the
14 Public Utility Regulatory Act, ^{as amended} (Article 1446c, Vernon's Texas Civil
15 Statutes).

Insert AM #
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(2)(5)

16 (b) The work described by Subsection (a) of this section
17 remains subject to any permit, inspection, or approval requirements
18 prescribed by a municipal ordinance.

19 (c) A person licensed under this Act may not perform or
20 offer or attempt to perform any act, service, or function that is
21 defined as the practice of engineering by The Texas Engineering
22 Practice Act, ^{as amended} (Article 3271a, Vernon's Texas Civil Statutes). This
23 Act does not apply to a person licensed in this state as a
24 professional engineer and engaged in business as a professional
25 engineer.

26 (d) This Act does not apply to a person who is regulated
27 under Chapter 113, Natural Resources Code.

SECTION 7. REPORTING REQUIREMENT. Each person licensed under this Act shall notify the municipal authority who has control of the enforcement of regulations relative to air conditioning contracting in the municipality in which the person is engaged in air conditioning contracting that the person has obtained a state license. The notification must contain the name and address of the licensee.

Insert House AM #3

~~SECTION 8. PENALTY. A person commits an offense if the person knowingly or intentionally engages in air conditioning contracting without a license issued under this Act. An offense under this section is a Class C misdemeanor.~~ / 6/7

SECTION 9. MUNICIPAL REGULATION. A license issued under this Act is valid throughout the state, and the holder is not required to hold a municipal license to practice air conditioning contracting in a municipality. A license issued by a municipality of this state is valid under the terms of the license within that municipality.

Insert Floor am #1

SECTION 10. EFFECTIVE DATE FOR LICENSE REQUIREMENT. A person is not required to be licensed under this Act to engage in the business of air conditioning contracting until January 1, 1986.

SECTION 11. EFFECTIVE DATE. This Act takes effect September 1, 1983.

SECTION 12. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

3-30-83 *sh*

UBe
5/13/83

Flood

AMENDMENT NO. 1

BY *Daggett*

1 Amend C.S.S.B. (642) by renumbering Sections 10-12 as Sections
2 11-13 and adding a new Section 10 to read as follows:

3 SECTION 10. SUNSET REVIEW; EXPIRATION. (a) The Sunset
4 Advisory Commission shall review the operation of this Act as part
5 of the commission's review of the office of the commissioner.

6 (b) Unless continued by law, this Act expires September 1,
7 1989.

5/30/83

ADOPTED

MAR 30 1983

L. King
Secretary of the Senate

Floor am. #1
3/30/83

AMEND THE CAPTION TO CONFORM
TO THE BODY OF THE BILL

ADOPTED

MAR 30 1983

Henry King
Secretary of the Senate

March 30 1983 Engrossed
Patsy Spaw
Engrossing Clerk

EVE
I certify that the attached is a true and correct
copy of HB 237, which was
received from the Senate on APR 6 1983 and
referred to the Committee on Business and Commerce
Deputy Secretary
Chief Clerk of the House

By: Henderson, Glasgow
(Wolens)

S.B. No. 642

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of air conditioning contractors;
providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. SHORT TITLE. This Act may be cited as the "Air
Conditioning Contractor License Law."

SECTION 2. DEFINITIONS. In this Act:

(1) "Environmental air conditioning" means the process of
treating indoor air to continuously control its temperature,
humidity, cleanliness, and circulation to meet human comfort
requirements.

(2) "Air conditioning contractor" means a person licensed
under this Act who designs, installs, constructs, maintains,
services, repairs, alters, or modifies any heating, ventilating, or
air conditioning product, system, or equipment.

(3) "Air conditioning contracting" means designing,
installing, constructing, maintaining, servicing, repairing,
altering, or modifying any heating, ventilating, or air
conditioning product, system, or equipment. The term does not
include the design, installation, construction, maintenance,
service, repair, alteration, or modification of a portable or
self-contained ductless air conditioning or heating product that
has a cooling capacity of three tons or less or a heating capacity
of 36,000 British thermal units or less.

(4) "Commissioner" means the commissioner of the Texas

1 Department of Labor and Standards.

2 (5) "Person" means an individual.

3 SECTION 3. POWERS AND DUTIES OF COMMISSIONER. (a) The
4 commissioner shall adopt rules for the practice of air conditioning
5 contracting consistent with this Act not later than the 90th day
6 after the effective date of this Act. The standards prescribed by
7 rule must be at least as strict as the standards set forth in the
8 Uniform Mechanical Code published jointly by the International
9 Conference of Building Officials and the International Association
10 of Plumbing and Mechanical Officials, as that code exists at the
11 time the rules are adopted.

12 (b) The commissioner shall prescribe application forms for
13 original and renewal licenses and the design of the licenses.

14 (c) The commissioner shall prescribe the method and content
15 of examinations administered under this Act and shall set
16 compliance requirements for the examinations. The commissioner
17 shall offer each examination on a monthly basis.

18 (d) The commissioner shall set insurance requirements for
19 persons licensed under this Act. The commissioner may waive the
20 insurance requirements for licensees who do not contract with the
21 general public.

22 (e) The commissioner may employ the personnel necessary to
23 implement this Act. The commissioner shall employ at least two
24 full-time air conditioning professionals to serve as air
25 conditioning examiners.

26 (f) The commissioner may authorize necessary disbursements

1 to implement this Act, including office expenses, costs of
2 equipment, and other necessary facilities.

3 (g) The commissioner shall set fees for original and renewal
4 licenses issued under this Act. The commissioner shall set a fee
5 for the licensing examinations. The fees shall be set in amounts
6 that are reasonable and necessary to defray the costs of the
7 administration of this Act.

8 (h) The commissioner shall maintain a record of his
9 proceedings under this Act.

10 SECTION 4. AIR CONDITIONING CONTRACTOR LICENSE. (a) Air
11 conditioning contractor licenses are of two classes. A Class A
12 license entitles the licensee to install, repair, or alter summer
13 or winter environmental air conditioning systems of any size or
14 capacity. A Class B license entitles the licensee to install,
15 repair, or alter an environmental air conditioning system that
16 develops a total of not more than 25 tons cooling capacity and not
17 more than 1,500,000 British thermal units per hour output heating
18 capacity. The commissioner shall prescribe an appropriate
19 examination for each class of license.

20 (b) An applicant for an air conditioning contractor license
21 must be at least 18 years old.

22 (c) The application must be made on a form prescribed by the
23 commissioner and must specify the class of license the applicant
24 seeks. The application must be verified and must be accompanied
25 by:

26 (1) three recommendations from competent people in the

regulated industry;

(2) evidence of the insurance coverage required under this Act;

(3) a statement of the applicant's practical experience; and

(4) the examination fee.

(d) The commissioner shall issue the air conditioning contractor license to an applicant who possesses the required qualifications, passes the appropriate licensing examination, and pays the examination fee and the original license fee required by this Act. An applicant who fails the examination is eligible for reexamination.

(e) A license issued under this Act expires three years after the date it was issued. To renew a license, the licensee must submit to the commissioner before the expiration date a renewal application, on a form prescribed by the commissioner, accompanied by the renewal fee. The commissioner shall notify the licensee of the expiration date of the license and the amount of the renewal fee. The notice shall be mailed not later than the 30th day before the expiration date.

SECTION 5. DENIAL, SUSPENSION, OR REVOCATION OF LICENSE.

(a) A violation of this Act or a rule adopted under this Act is a ground for the denial, suspension, or revocation of a license issued under this Act.

(b) Proceedings for the denial, suspension, or revocation of a license and appeals from those proceedings are governed by the Administrative Procedure and Texas Register Act, as amended

(Article 6252-13a, Vernon's Texas Civil Statutes).

SECTION 6. EXEMPTIONS. (a) This Act does not apply to a person who:

(1) performs air conditioning work in a building owned solely by him as his home;

(2) performs air conditioning maintenance work if the person is regularly employed as a maintenance man or maintenance engineer or is licensed as a professional engineer under The Texas Engineering Practice Act, as amended (Article 3271a, Vernon's Texas Civil Statutes), the work is performed in connection with the business in which the person is employed, and the person does not engage in the occupation of air conditioning contracting for the general public; or

(3) performs air conditioning contracting and is regularly employed by an electric or gas utility that is regulated under the Public Utility Regulatory Act, as amended (Article 1446c, Vernon's Texas Civil Statutes).

(b) The work described by Subsection (a) of this section remains subject to any permit, inspection, or approval requirements prescribed by a municipal ordinance.

(c) A person licensed under this Act may not perform or offer or attempt to perform any act, service, or function that is defined as the practice of engineering by The Texas Engineering Practice Act, as amended (Article 3271a, Vernon's Texas Civil Statutes). This Act does not apply to a person licensed in this state as a professional engineer and engaged in business as a

1 professional engineer.

2 (d) This Act does not apply to a person who is regulated
3 under Chapter 113, Natural Resources Code.

4 SECTION 7. REPORTING REQUIREMENT. Each person licensed
5 under this Act shall notify the municipal authority who has control
6 of the enforcement of regulations relative to air conditioning
7 contracting in the municipality in which the person is engaged in
8 air conditioning contracting that the person has obtained a state
9 license. The notification must contain the name and address of the
10 licensee.

11 SECTION 8. PENALTY. A person commits an offense if the
12 person knowingly or intentionally engages in air conditioning
13 contracting without a license issued under this Act. An offense
14 under this section is a Class C misdemeanor.

15 SECTION 9. MUNICIPAL REGULATION. A license issued under
16 this Act is valid throughout the state, and the holder is not
17 required to hold a municipal license to practice air conditioning
18 contracting in a municipality. A license issued by a municipality
19 of this state is valid under the terms of the license within that
20 municipality.

21 SECTION 10. SUNSET REVIEW; EXPIRATION. (a) The Sunset
22 Advisory Commission shall review the operation of this Act as part
23 of the commission's review of the office of the commissioner.

24 (b) Unless continued by law, this Act expires September 1,
25 1989.

1 SECTION 11. EFFECTIVE DATE FOR LICENSE REQUIREMENT. A
2 person is not required to be licensed under this Act to engage in
3 the business of air conditioning contracting until January 1, 1986.

4 SECTION 12. EFFECTIVE DATE. This Act takes effect September
5 1, 1983.

6 SECTION 13. EMERGENCY. The importance of this legislation
7 and the crowded condition of the calendars in both houses create an
8 emergency and an imperative public necessity that the
9 constitutional rule requiring bills to be read on three several
10 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE AMENDMENT NO. 1

Amend SB 642 as follows:

(1) On page 2 by deleting the word "commissioner" at the end of line 16 and by deleting line 17 in its entirety and substituting in lieu thereof the following:

examinations shall be offered only in Travis County, and shall be offered on a quarterly basis.

(2) On page 3 line 6 by deleting the word "defray" and substituting "pay".

(3) On page 3 line 21 by deleting the "." and adding the following:

and have at least three years of practical experience in air conditioning work. For purposes of the experience requirement, a degree or diploma in air conditioning engineering or mechanical engineering from an institution of higher education whose program is approved by the State Board of Registration for Professional Engineers for the purpose of licensing professional engineers is considered the equivalent of two years of practical experience.

(4) On page 5 line 17 by adding the following:

(4) assists in the performance of air conditioning work under the direct personal supervision of a licensee.

Jackson

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 14, 1983

Honorable O. H. "Ike" Harris, Chairman
Committee on Economic Development
Senate Chamber
Austin, Texas

In Re: Senate Bill No. 642
By: Henderson

Sir:

In response to your request for a Fiscal Note on Senate Bill No. 642 (relating to the regulation of air conditioning contractors; providing a penalty) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The probable cost and revenue gain from implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost Out of the General Revenue Fund</u>	<u>Probable Revenue Gain to the General Revenue Fund</u>	<u>Change in Number of State Employees from FY 1983</u>
1984	\$221,453	\$332,500	+ 6
1985	211,453	270,750	+ 6
1986	206,453	30,575	+ 6
1987	206,453	418,625	+ 6
1988	96,225	96,225	+ 6

Similar annual costs and revenue gains would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.


Jim Oliver
Director

Source: Department of Labor and Standards;
LBB Staff: JO, JH, KH, LV

1990 MAY -9 PM 7:57

STATE OF ALABAMA

HOUSE COMMITTEE REPORT

1st Printing

By: Henderson, Glasgow
(Wolens)

S.B. No. 642

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the regulation of air conditioning contractors;
3 providing a penalty.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. SHORT TITLE. This Act may be cited as the "Air
6 Conditioning Contractor License Law."

7 SECTION 2. DEFINITIONS. In this Act:

8 (1) "Environmental air conditioning" means the process of
9 treating indoor air to continuously control its temperature,
10 humidity, cleanliness, and circulation to meet human comfort
11 requirements.

12 (2) "Air conditioning contractor" means a person licensed
13 under this Act who designs, installs, constructs, maintains,
14 services, repairs, alters, or modifies any heating, ventilating, or
15 air conditioning product, system, or equipment.

16 (3) "Air conditioning contracting" means designing,
17 installing, constructing, maintaining, servicing, repairing,
18 altering, or modifying any heating, ventilating, or air
19 conditioning product, system, or equipment. The term does not
20 include the design, installation, construction, maintenance,
21 service, repair, alteration, or modification of a portable or
22 self-contained ductless air conditioning or heating product that
23 has a cooling capacity of three tons or less or a heating capacity
24 of 36,000 British thermal units or less.

25 (4) "Commissioner" means the commissioner of the Texas

1 Department of Labor and Standards.

2 (5) "Person" means an individual.

3 SECTION 3. POWERS AND DUTIES OF COMMISSIONER. (a) The
4 commissioner shall adopt rules for the practice of air conditioning
5 contracting consistent with this Act not later than the 90th day
6 after the effective date of this Act. The standards prescribed by
7 rule must be at least as strict as the standards set forth in the
8 Uniform Mechanical Code published jointly by the International
9 Conference of Building Officials and the International Association
10 of Plumbing and Mechanical Officials, as that code exists at the
11 time the rules are adopted.

12 (b) The commissioner shall prescribe application forms for
13 original and renewal licenses and the design of the licenses.

14 (c) The commissioner shall prescribe the method and content
15 of examinations administered under this Act and shall set
16 compliance requirements for the examinations. The commissioner
17 shall offer each examination on a monthly basis.

18 (d) The commissioner shall set insurance requirements for
19 persons licensed under this Act. The commissioner may waive the
20 insurance requirements for licensees who do not contract with the
21 general public.

22 (e) The commissioner may employ the personnel necessary to
23 implement this Act. The commissioner shall employ at least two
24 full-time air conditioning professionals to serve as air
25 conditioning examiners.

26 (f) The commissioner may authorize necessary disbursements

1 to implement this Act, including office expenses, costs of
2 equipment, and other necessary facilities.

3 (g) The commissioner shall set fees for original and renewal
4 licenses issued under this Act. The commissioner shall set a fee
5 for the licensing examinations. The fees shall be set in amounts
6 that are reasonable and necessary to defray the costs of the
7 administration of this Act.

8 (h) The commissioner shall maintain a record of his
9 proceedings under this Act.

10 SECTION 4. AIR CONDITIONING CONTRACTOR LICENSE. (a) Air
11 conditioning contractor licenses are of two classes. A Class A
12 license entitles the licensee to install, repair, or alter summer
13 or winter environmental air conditioning systems of any size or
14 capacity. A Class B license entitles the licensee to install,
15 repair, or alter an environmental air conditioning system that
16 develops a total of not more than 25 tons cooling capacity and not
17 more than 1,500,000 British thermal units per hour output heating
18 capacity. The commissioner shall prescribe an appropriate
19 examination for each class of license.

20 (b) An applicant for an air conditioning contractor license
21 must be at least 18 years old.

22 (c) The application must be made on a form prescribed by the
23 commissioner and must specify the class of license the applicant
24 seeks. The application must be verified and must be accompanied
25 by:

26 (1) three recommendations from competent people in the

1 regulated industry;

2 (2) evidence of the insurance coverage required under this
3 Act;

4 (3) a statement of the applicant's practical experience; and

5 (4) the examination fee.

6 (d) The commissioner shall issue the air conditioning
7 contractor license to an applicant who possesses the required
8 qualifications, passes the appropriate licensing examination, and
9 pays the examination fee and the original license fee required by
10 this Act. An applicant who fails the examination is eligible for
11 reexamination.

12 (e) A license issued under this Act expires three years
13 after the date it was issued. To renew a license, the licensee
14 must submit to the commissioner before the expiration date a
15 renewal application, on a form prescribed by the commissioner,
16 accompanied by the renewal fee. The commissioner shall notify the
17 licensee of the expiration date of the license and the amount of
18 the renewal fee. The notice shall be mailed not later than the
19 30th day before the expiration date.

20 SECTION 5. DENIAL, SUSPENSION, OR REVOCATION OF LICENSE.

21 (a) A violation of this Act or a rule adopted under this Act is a
22 ground for the denial, suspension, or revocation of a license
23 issued under this Act.

24 (b) Proceedings for the denial, suspension, or revocation of
25 a license and appeals from those proceedings are governed by the
26 Administrative Procedure and Texas Register Act, as amended

(Article 6252-13a, Vernon's Texas Civil Statutes).

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(1) performs air conditioning work in a building owned solely by him as his home;

(2) performs air conditioning maintenance work if the person is regularly employed as a maintenance man or maintenance engineer or is licensed as a professional engineer under The Texas Engineering Practice Act, as amended (Article 3271a, Vernon's Texas Civil Statutes), the work is performed in connection with the business in which the person is employed, and the person does not engage in the occupation of air conditioning contracting for the general public; or

(3) performs air conditioning contracting and is regularly employed by an electric or gas utility that is regulated under the Public Utility Regulatory Act, as amended (Article 1446c, Vernon's Texas Civil Statutes).

(b) The work described by Subsection (a) of this section remains subject to any permit, inspection, or approval requirements prescribed by a municipal ordinance.

(c) A person licensed under this Act may not perform or offer or attempt to perform any act, service, or function that is defined as the practice of engineering by The Texas Engineering Practice Act, as amended (Article 3271a, Vernon's Texas Civil Statutes). This Act does not apply to a person licensed in this state as a professional engineer and engaged in business as a

1 professional engineer.

2 (d) This Act does not apply to a person who is regulated
3 under Chapter 113, Natural Resources Code.

4 SECTION 7. REPORTING REQUIREMENT. Each person licensed
5 under this Act shall notify the municipal authority who has control
6 of the enforcement of regulations relative to air conditioning
7 contracting in the municipality in which the person is engaged in
8 air conditioning contracting that the person has obtained a state
9 license. The notification must contain the name and address of the
10 licensee.

11 SECTION 8. PENALTY. A person commits an offense if the
12 person knowingly or intentionally engages in air conditioning
13 contracting without a license issued under this Act. An offense
14 under this section is a Class C misdemeanor.

15 SECTION 9. MUNICIPAL REGULATION. A license issued under
16 this Act is valid throughout the state, and the holder is not
17 required to hold a municipal license to practice air conditioning
18 contracting in a municipality. A license issued by a municipality
19 of this state is valid under the terms of the license within that
20 municipality.

21 SECTION 10. SUNSET REVIEW; EXPIRATION. (a) The Sunset
22 Advisory Commission shall review the operation of this Act as part
23 of the commission's review of the office of the commissioner.

24 (b) Unless continued by law, this Act expires September 1,
25 1989.

1 SECTION 11. EFFECTIVE DATE FOR LICENSE REQUIREMENT. A
2 person is not required to be licensed under this Act to engage in
3 the business of air conditioning contracting until January 1, 1986.

4 SECTION 12. EFFECTIVE DATE. This Act takes effect September
5 1, 1983.

6 SECTION 13. EMERGENCY. The importance of this legislation
7 and the crowded condition of the calendars in both houses create an
8 emergency and an imperative public necessity that the
9 constitutional rule requiring bills to be read on three several
10 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE AMENDMENT NO. 1

Amend SB 642 as follows:

(1) On page 2 by deleting the word "commissioner" at the end of line 16 and by deleting line 17 in its entirety and substituting in lieu thereof the following:
examinations shall be offered only in Travis County, and shall be offered on a quarterly basis.

(2) On page 3 line 6 by deleting the word "defray" and substituting "pay".

(3) On page 3 line 21 by deleting the "." and adding the following:

and have at least three years of practical experience in air conditioning work. For purposes of the experience requirement, a degree or diploma in air conditioning engineering or mechanical engineering from an institution of higher education whose program is approved by the State Board of Registration for Professional Engineers for the purpose of licensing professional engineers is considered the equivalent of two years of practical experience.

(4) On page 5 line 17 by adding the following:

(4) assists in the performance of air conditioning work under the direct personal supervision of a licensee.

Jackson

COMMITTEE REPORT

May 3, 1983

(date)

The Honorable Gib Lewis
Speaker of the House of Representatives

Sir:

We, your COMMITTEE ON BUSINESS & COMMERCE, to whom was referred S.B. 642 have had the same under consideration and beg to report back with the recommendation that it (measure)

- () do pass, without amendment.
(X) do pass, with amendment(s).
() do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (X) yes () no

An author's fiscal statement was requested. () yes (X) no

An actuarial analysis was requested. () yes (X) no

The Committee recommends that this measure be placed on the ~~(Local)~~ or ~~(Consent)~~ Calendar.

This measure (X) proposes new law.
() amends existing law.

House Sponsor of Senate Measure WOLENS

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Jackson, Ch.	✓			
Gibson, B., V.C.	✓			
Harrison, W.O., C.B.O.	✓			
Denton				✓
Glossbrenner	✓			
Leonard			✓	
Mankins				✓
Messer	✓			
Watson	✓			

Total

6 aye
0 nay
1 present, not voting
2 absent

Lucy Hoch
CHAIRMAN
Kipold
COMMITTEE COORDINATOR

BILL ANALYSIS

Background Information

Some cities regulate air conditioning contractors and others do not regulate air conditioning contractors. Some air conditioning contractors need ten or twelve permits in order to operate their business and others do not need any permits to operate in their geographic area.

Purpose

The purpose of S.B. 642 is to provide new state regulation and licensing of air conditioning contractors.

Section by Section Analysis

Section 1: SHORT TITLE.

Section 2: DEFINITIONS.

Section 3: POWERS AND DUTIES OF COMMISSIONER.

- (a) Authorizes the commissioner to adopt rules for the practice of air conditioning contracting within 90 days after the effective date.
- (b) Authorizes the commissioner to prescribe application forms for licenses.
- (c) Authorizes the commissioner to prescribe the method and content of exams, and requires them to be offered on a monthly basis.
- (d) Authorizes the commissioner to set insurance requirements for licenses.
- (e) Authorizes the commissioner to employ personnel to implement the act, including at least two full-time air conditioning professionals to serve as examiners.
- (f) Authorizes the commissioner to make necessary disbursements to implement the act.
- (g) Authorizes the commissioner to set fees for licenses.
- (h) Requires the commissioner to maintain records.

Section 4: AIR CONDITIONING CONTRACTOR LICENSE.

- (a) Provides for two classes of air conditioning contractor licenses. A Class A license entitles the licensee to install, repair, or alter air conditioning system of any size, while a Class B license restricts the licensee to working on systems which develop not more than 25 tons of cooling capacity and not more than 1,500,000 BTUs of heating capacity.
- (b) A licensee must be at least 18 years old.
- (c) Requires the application to be made on a form prescribed by the commissioner and to specify the class of license being applied for.
- (d) Provides that a license is to be issued to a qualified applicant who passes the exam and pays the license fee.
- (e) Provides for three-year licenses, and for renewal.

Section 5: DENIAL, SUSPENSION, OR REVOCATION OF LICENSE. Specifies that violations of the act are grounds for license action, and for proceedings and appeal under the Administrative Procedure and Texas Register Act.

Section 6: EXEMPTIONS.

(a) The act exempts those who work on their own residential air conditioning system, those who are employed as maintenance men, or maintenance engineers, or are licensed as professional engineers, if the work is performed as part of their occupational duties, and those who are employed by an electric or gas utility.

(b) Provides that work exemptions in Subsection (a) are subject to municipal ordinances.

(c) Licensees may not perform any act or service which is defined as the practice of engineering by the Texas Engineering Practice Act. The act does not apply to licensed professional engineers.

(d) The act does not apply to those regulated under Chapter 113, Natural Resources Code (liquefied petroleum gas industry).

Section 7: REPORTING REQUIREMENT. Licensees are required to notify the appropriate municipal authority that they have obtained a state license.

Section 8: PENALTY. Provides that an offense is a Class C misdemeanor.

Section 9: MUNICIPAL REGULATION. Provides that a license issued under this act is valid throughout the state, and no municipal license is required. A municipal license is valid only in that municipality.

Section 10: SUNSET REVIEW: EXPIRATION. Provides that unless continued by law, this Act expires September 1, 1989.

Section 11: Effective date license requirement: January 1, 1986.

Section 12: Effective date: September 1, 1983.

Section 13: Emergency clause.

Rulemaking Authority

This bill delegates rulemaking authority to the commissioner of the Texas Department of Labor and Standards to adopt rules for the practice of air conditioning contracting, to prescribe the method and content of exams, to set insurance requirements for licenses, and to set fees for licenses.

Summary of Committee Action

Public notice was posted in accordance with the Rules of Procedure of the House of Representatives and a public hearing was held on April 26, 1983.

On May 3, 1983 the full committee voted to report S.B. 642 to the House with amendments and the recommendation that it do pass by a record vote of 6 ayes, 0 nays, and 1 Present-Not-Voting.

The amendment provides that examinations be offered only in Travis County and that examinations be offered on a quarterly basis. The amendment requires that the fee set for the licensing examination pay the costs of the examination rather than merely defray the costs of the examination. The amendment requires that an applicant for an air conditioning contractor license have at least three years of practical experience in air conditioning work and provides that a degree or diploma in air condition, engineering or mechanical engineering from an institution of higher education whose program is approved by the State Board of Registration for Professional Engineers for the purpose of licensing professional engineers is considered the equivalent of two years of practical experience. The amendment also exempts a person who assists in the performance of air conditioning work under the direct personal supervision of a licensee.

The following persons testified on April 26, 1983

For the Bill: Bill Brister, Air Conditioning Contractor
1921 Record-Crossing
Dallas, Texas

Charlie Wright, Air Conditioning Contractor
P. O. Box 35688
Houston, Texas 77235

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 9, 1983

Honorable Lee F. Jackson, Chair
Committee on Business and Commerce
House of Representatives
Austin, Texas

In Re: House Committee Amendments for
Senate Bill No. 642

Sir:

In response to your request for a Fiscal Note on the House Committee Amendments for Senate Bill No. 642 (relating to the regulation of air conditioning contractors; providing a penalty) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The probable cost and revenue gain from implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost Out of the General Revenue Fund</u>	<u>Probable Revenue Gain to the General Revenue Fund</u>	<u>Change in Number of State Employees from FY 1983</u>
1984	\$221,453	\$221,453	+ 6
1985	211,453	221,453	+ 6
1986	206,453	206,453	+ 6
1987	206,453	206,453	+ 6
1988	206,453	206,453	+ 6

Similar annual costs and revenue gains would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.


Jim Oliver
Director

Source: Department of Labor and Standards;
LBB Staff: JO, JH, KH, DM

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 22, 1983

Honorable Lee F. Jackson, Chair
Committee on Business and Commerce
House of Representatives
Austin, Texas

In Re: Senate Bill No. 642,
as engrossed
By: Henderson

Sir:

In response to your request for a Fiscal Note on Senate Bill No. 642, as engrossed (relating to the regulation of air conditioning contractors; providing a penalty), this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The probable cost and revenue gain from implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost Out of the General Revenue Fund</u>	<u>Probable Revenue Gain to the General Revenue Fund</u>	<u>Change in Number of State Employees from FY 1983</u>
1984	\$221,453	\$332,500	+ 6
1985	211,453	270,750	+ 6
1986	206,453	30,575	+ 6
1987	206,453	418,625	+ 6
1988	96,225	96,225	+ 6

Similar annual costs and revenue gains would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.


Jim Oliver
Director

Source: Department of Labor and Standards;
LBB Staff: JO, JH, KH, DM

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 14, 1983

Honorable O. H. "Ike" Harris, Chairman
Committee on Economic Development
Senate Chamber
Austin, Texas

In Re: Senate Bill No. 642
By: Henderson

Sir:

In response to your request for a Fiscal Note on Senate Bill No. 642 (relating to the regulation of air conditioning contractors; providing a penalty) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The probable cost and revenue gain from implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost Out of the General Revenue Fund</u>	<u>Probable Revenue Gain to the General Revenue Fund</u>	<u>Change in Number of State Employees from FY 1983</u>
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Similar annual costs and revenue gains would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.


Jim Oliver
Director

Source: Department of Labor and Standards;
LBB Staff: JO, JH, KH, LV

By: Henderson (Steve Wolens)

By: Lee Jackson

Amend SB 642 as follows:

- (1) On page 2 by deleting the word "commissioner " at the end of line 16 and by deleting line 17 in its entirety and substituting in lieu thereof the following:

(1)

examinations shall be offered only in Travis County, and shall be offered on a quarterly basis.

- (2) On page 3 line 6 by deleting the word "defray" and substituting "pay".

- (3) On page 3 line 21 by deleting the "." and adding the following:

(3)

and have at least three years of practical experience in air conditioning work. For purposes of the experience requirement, a degree or diploma in air conditioning engineering or mechanical engineering from an institution of higher education whose program is approved by the State Board of Registration for Professional Engineers for the purpose of licensing professional engineers is considered the equivalent of two years of practical experience.

- (4) On page 5 line 17 by adding the following:

(4)

(4) assists in the performance of air conditioning work under the direct personal supervision of a licensee.

ADOPTED*as amended*

MAY 25 1983

Betty Murray
Chief Clerk
House of Representatives

*Replaced
by House Am. #12*

*House Am #1
5/30/83*

ADOPTED

MAY 25 1983

To amendment
Amendment No. 2

By Wolens

Betty Murray
Chief Clerk
House of Representatives

Amend Committee Amendment No. 1 to SB 642 to read as follows:

Amend SB 642 as follows:

See 5/31/83
✓(1) On page 2 by deleting the word "commissioner" at the end of line 16 and by deleting line 17 in its entirety and substituting in lieu thereof the following:

(1) examinations shall be offered only in Travis County and shall be offered on a quarterly basis.

✓(2) On page 3 line 6 by deleting the word "defray" and substituting "pay".

(3) On page 3 line 21 by deleting the "." and adding the following:

(3) and have at least three years of practical experience in air conditioning work. For purposes of the experience requirement, a degree or diploma in air conditioning engineering or mechanical engineering from an institution of higher education whose program is approved by the ^{Texas} State Board of ^{3/4} Registration for Professional Engineers for the purpose of licensing professional engineers is considered the equivalent of two years of practical experience.

✓(4) On page 5 line 13 by deleting the word "or".

(5) On page 5 by deleting lines 15 through 17 and substituting in lieu thereof the following:

(5) ← employed by a regulated electric or gas utility;
(4) performs plumbing work and is licensed under ~~the~~
the Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes); or ^{5/6}
(5) assists in the performance of air conditioning work under the direct personal supervision of a licensee.

House Am #2

184
5/31/83

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Amendment 3

By: Wolens

Amend SB 642 on page 6 by deleting line 11, and substituting in lieu thereof the following:

SECTION 8. PENALTY. Except as provided in Section 9, a person commits an offense if the

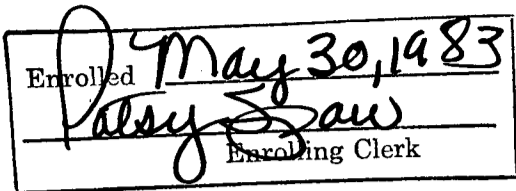
5/31/83

ADOPTED

MAY 25 1983

Betty Murray
Chief Clerk
House of Representatives

House Am. #3



S.B. No. 642

1 AN ACT
2 relating to the regulation of air conditioning contractors;
3 providing a penalty.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. SHORT TITLE. This Act may be cited as the "Air
6 Conditioning Contractor License Law."

7 SECTION 2. DEFINITIONS. In this Act:

8 (1) "Environmental air conditioning" means the process of
9 treating indoor air to continuously control its temperature,
10 humidity, cleanliness, and circulation to meet human comfort
11 requirements.

(2) "Air conditioning contractor" means a person licensed under this Act who designs, installs, constructs, maintains, services, repairs, alters, or modifies any heating, ventilating, or air conditioning product, system, or equipment.

(3) "Air conditioning contracting" means designing, installing, constructing, maintaining, servicing, repairing, altering, or modifying any heating, ventilating, or air conditioning product, system, or equipment. The term does not include the design, installation, construction, maintenance, service, repair, alteration, or modification of a portable or self-contained ductless air conditioning or heating product that has a cooling capacity of three tons or less or a heating capacity of 36,000 British thermal units or less.

25 (4) "Commissioner" means the commissioner of the Texas

1 Department of Labor and Standards.

2 (5) "Person" means an individual.

3 SECTION 3. POWERS AND DUTIES OF COMMISSIONER. (a) The
4 commissioner shall adopt rules for the practice of air conditioning
5 contracting consistent with this Act not later than the 90th day
6 after the effective date of this Act. The standards prescribed by
7 rule must be at least as strict as the standards set forth in the
8 Uniform Mechanical Code published jointly by the International
9 Conference of Building Officials and the International Association
10 of Plumbing and Mechanical Officials, as that code exists at the
11 time the rules are adopted.

12 (b) The commissioner shall prescribe application forms for
13 original and renewal licenses and the design of the licenses.

14 (c) The commissioner shall prescribe the method and content
15 of examinations administered under this Act and shall set
16 compliance requirements for the examinations. The examinations
17 shall be offered only in Travis County and shall be offered on a
18 quarterly basis.

19 (d) The commissioner shall set insurance requirements for
20 persons licensed under this Act. The commissioner may waive the
21 insurance requirements for licensees who do not contract with the
22 general public.

23 (e) The commissioner may employ the personnel necessary to
24 implement this Act. The commissioner shall employ at least two
25 full-time air conditioning professionals to serve as air
26 conditioning examiners.

1 (f) The commissioner may authorize necessary disbursements
2 to implement this Act, including office expenses, costs of
3 equipment, and other necessary facilities.

4 (g) The commissioner shall set fees for original and renewal
5 licenses issued under this Act. The commissioner shall set a fee
6 for the licensing examinations. The fees shall be set in amounts
7 that are reasonable and necessary to pay the costs of the
8 administration of this Act.

9 (h) The commissioner shall maintain a record of his
10 proceedings under this Act.

11 SECTION 4. AIR CONDITIONING CONTRACTOR LICENSE. (a) Air
12 conditioning contractor licenses are of two classes. A Class A
13 license entitles the licensee to install, repair, or alter summer
14 or winter environmental air conditioning systems of any size or
15 capacity. A Class B license entitles the licensee to install,
16 repair, or alter an environmental air conditioning system that
17 develops a total of not more than 25 tons cooling capacity and not
18 more than 1,500,000 British thermal units per hour output heating
19 capacity. The commissioner shall prescribe an appropriate
20 examination for each class of license.

21 (b) An applicant for an air conditioning contractor license
22 must be at least 18 years old and have at least three years of
23 practical experience in air conditioning work. For purposes of the
24 experience requirement, a degree or diploma in air conditioning
25 engineering or mechanical engineering from an institution of higher
26 education whose program is approved by the Texas State Board of

1 Registration for Professional Engineers for the purpose of
2 licensing professional engineers is considered the equivalent of
3 two years of practical experience.

4 (c) The application must be made on a form prescribed by the
5 commissioner and must specify the class of license the applicant
6 seeks. The application must be verified and must be accompanied
7 by:

8 (1) three recommendations from competent people in the
9 regulated industry;

10 (2) evidence of the insurance coverage required under this
11 Act;

12 (3) a statement of the applicant's practical experience; and

13 (4) the examination fee.

14 (d) The commissioner shall issue the air conditioning
15 contractor license to an applicant who possesses the required
16 qualifications, passes the appropriate licensing examination, and
17 pays the examination fee and the original license fee required by
18 this Act. An applicant who fails the examination is eligible for
19 reexamination.

20 (e) A license issued under this Act expires three years
21 after the date it was issued. To renew a license, the licensee
22 must submit to the commissioner before the expiration date a
23 renewal application, on a form prescribed by the commissioner,
24 accompanied by the renewal fee. The commissioner shall notify the
25 licensee of the expiration date of the license and the amount of
26 the renewal fee. The notice shall be mailed not later than the

30th day before the expiration date.

SECTION 5. DENIAL, SUSPENSION, OR REVOCATION OF LICENSE.

(a) A violation of this Act or a rule adopted under this Act is a ground for the denial, suspension, or revocation of a license issued under this Act.

(b) Proceedings for the denial, suspension, or revocation of a license and appeals from those proceedings are governed by the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes).

SECTION 6. EXEMPTIONS. (a) This Act does not apply to a person who:

(1) performs air conditioning work in a building owned solely by him as his home;

(2) performs air conditioning maintenance work if the person is regularly employed as a maintenance man or maintenance engineer or is licensed as a professional engineer under The Texas Engineering Practice Act, as amended (Article 3271a, Vernon's Texas Civil Statutes), the work is performed in connection with the business in which the person is employed, and the person does not engage in the occupation of air conditioning contracting for the general public;

(3) performs air conditioning contracting and is regularly employed by a regulated electric or gas utility;

(4) performs plumbing work and is licensed under The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes); or

1 (5) assists in the performance of air conditioning work
2 under the direct personal supervision of a licensee.

3 (b) The work described by Subsection (a) of this section
4 remains subject to any permit, inspection, or approval requirements
5 prescribed by a municipal ordinance.

6 (c) A person licensed under this Act may not perform or
7 offer or attempt to perform any act, service, or function that is
8 defined as the practice of engineering by The Texas Engineering
9 Practice Act, as amended (Article 3271a, Vernon's Texas Civil
10 Statutes). This Act does not apply to a person licensed in this
11 state as a professional engineer and engaged in business as a
12 professional engineer.

13 (d) This Act does not apply to a person who is regulated
14 under Chapter 113, Natural Resources Code.

15 SECTION 7. REPORTING REQUIREMENT. Each person licensed
16 under this Act shall notify the municipal authority who has control
17 of the enforcement of regulations relative to air conditioning
18 contracting in the municipality in which the person is engaged in
19 air conditioning contracting that the person has obtained a state
20 license. The notification must contain the name and address of the
21 licensee.

22 SECTION 8. PENALTY. Except as provided in Section 9, a
23 person commits an offense if the person knowingly or intentionally
24 engages in air conditioning contracting without a license issued
25 under this Act. An offense under this section is a Class C
26 misdemeanor.

1 SECTION 9. MUNICIPAL REGULATION. A license issued under
2 this Act is valid throughout the state, and the holder is not
3 required to hold a municipal license to practice air conditioning
4 contracting in a municipality. A license issued by a municipality
5 of this state is valid under the terms of the license within that
6 municipality.

7 SECTION 10. SUNSET REVIEW; EXPIRATION. (a) The Sunset
8 Advisory Commission shall review the operation of this Act as part
9 of the commission's review of the office of the commissioner.

10 (b) Unless continued by law, this Act expires September 1,
11 1989.

12 SECTION 11. EFFECTIVE DATE FOR LICENSE REQUIREMENT. A
13 person is not required to be licensed under this Act to engage in
14 the business of air conditioning contracting until January 1, 1986.

15 SECTION 12. EFFECTIVE DATE. This Act takes effect September
16 1, 1983.

17 SECTION 13. EMERGENCY. The importance of this legislation
18 and the crowded condition of the calendars in both houses create an
19 emergency and an imperative public necessity that the
20 constitutional rule requiring bills to be read on three several
21 days in each house be suspended, and this rule is hereby suspended.

S.B. No. 642

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 642 passed the Senate on March 30, 1983, by a viva-voce vote; and that the Senate concurred in House amendments on May 30, 1983, by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 642 passed the House, with amendments, on May 28, 1983, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 9, 1983

Honorable Lee F. Jackson, Chair
Committee on Business and Commerce
House of Representatives
Austin, Texas

In Re: House Committee Amendments for
Senate Bill No. 642

Sir:

In response to your request for a Fiscal Note on the House Committee Amendments for Senate Bill No. 642 (relating to the regulation of air conditioning contractors; providing a penalty) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The probable cost and revenue gain from implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost Out of the General Revenue Fund</u>	<u>Probable Revenue Gain to the General Revenue Fund</u>	<u>Change in Number of State Employees from FY 1983</u>
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1987	206,453	206,453	+ 6
1988	206,453	206,453	+ 6

Similar annual costs and revenue gains would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.


Jim Oliver
Director

Source: Department of Labor and Standards;
LBB Staff: JO, JH, KH, DM

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 22, 1983

Honorable Lee F. Jackson, Chair
Committee on Business and Commerce
House of Representatives
Austin, Texas

In Re: Senate Bill No. 642,
as engrossed
By: Henderson

Sir:

In response to your request for a Fiscal Note on Senate Bill No. 642, as engrossed (relating to the regulation of air conditioning contractors; providing a penalty), this office has determined the following:


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Jim Oliver
Director

Source: Department of Labor and Standards;
LBB Staff: JO, JH, KH, DM

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 14, 1983

Honorable O. H. "Ike" Harris, Chairman
Committee on Economic Development
Senate Chamber
Austin, Texas

In Re: Senate Bill No. 642
By: Henderson

Sir:

In response to your request for a Fiscal Note on Senate Bill No. 642 (relating to the regulation of air conditioning contractors; providing a penalty) this office has determined the following:

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Jim Oliver
Director

Source: Department of Labor and Standards;
LBB Staff: JO, JH, KH, LV

S. B. No. 642

By Henderson

AN ACT relating to the regulation of air conditioning contractors; providing a penalty.

MAR 1 1983 Filed with the Secretary of the Senate
MAR 2 1983 Read, referred to Committee on ECONOMIC DEVELOPMENT
Reported favorably.
MAR 22 1983 Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.
Ordered not printed.
MAR 30 1983 Senate and Constitutional Rules to permit consideration suspended by unanimous consent
To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.
MAR 30 1983 Read second time amended and ordered engrossed.
MAR 30 1983 Caption ordered amended to conform to body of bill.
MAR 30 1983 Senate and Constitutional 3-Day Rules suspended by vote of 30 yeas, 1 nays to place bill on third reading and final passage.
MAR 30 1983 Read third time and passed by a viva-voce vote

OTHER ACTION:

March 30, 1983 Engrossed

4-5-83 Sent to House

Patsy Spaw
ENGROSSING CLERK

APR 5 1983 Received from the Senate
APR 12 1983 Read first time and referred to Committee on Business & Commerce
5-9-83 Reported favorably amended, sent to Printer at 3:35pm
MAY 9 1983 Printed and Distributed 7:57pm
5-10-83 Sent to Committee on Calendars 11:07am
MAY 25 1983 Read Second time amended; passed to third reading (failed)
by (Non-Record Vote) Record Vote of _____ yeas, _____ nays
Present, not voting.
Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ yeas _____ nays _____ present not voting.
MAY 28 1983 Read third time (amended); finally passed (failed) by a (Non-Record Vote) Record Vote of _____ yeas _____ nays
present not voting.
MAY 28 1983 Caption ordered amended to conform to body of bill.
MAY 28 1983 Returned to Senate.

MAY 28 1983 RETURNED FROM HOUSE
with amendments

Dorothy M. ...
Chief Clerk of the House
MAY 30 1983
Senate concurred in House amendments by viva voce vote.

1983 MAY -9 PM 7: 57

HOUSE OF REPRESENTATIVES